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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/064,962
Filing Date: September 04, 2002
Appellant(s): FORD ET AL.

Bernard P. Tomsa
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed **October 25, 2010** appealing from the Office action mailed **March 24, 2010**.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Co-pending application 10/442806, however, no decision has yet been rendered with respect to the co-pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1 – 20 are pending.

Claims 1 – 20 are rejected.

(4) Status of Amendments After Final

The amendments filed after final on July 26, 2010 were entered on August 2, 2010.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

Bill Wink Chevrolet Retrieved from WayBack Machine,

<http://web.archive.org/web/20010408092103/billwinkchevy.com/index.htm>, April 8, 2001

20010037225 A1 LAST 11-2001

20020022975 A1 BLASINGAME ET AL. 2-2002

Official Notice

Jim Mateja, "Monroney Label a Window of Opportunity for Sellers [3rd Edition]," August 19, 1993, Chicago Tribune, Orlando Sentinel

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 – 2, 6 – 10, 14 – 15, and 18** are rejected under 35 U.S.C. 103(a) as being anticipated by **Bill Wink Chevrolet**

(<http://web.archive.org/web/20010408092103/billwinkchevy.com/index.htm>)

[hereinafter referred to as **Wink**] in view of **Last (US PGPub 2001/0037225 A1)**.

3. In regards to **claim 1**, **Wink** discloses an online method for advising a customer on service needs and facilitating the scheduling of a vehicle service appointment, the method comprising (**Page 16 – 17; wherein a website allowing for the scheduling of vehicle services is provided**):

- receiving a service inquiry wherein the service inquiry is selected from the group consisting:
 - i. a service request, a scheduled maintenance request, and a recall request (**Page 16 – 17, 32; wherein a website allowing for the scheduling of vehicle servicing is provided and allows for the user to describe the problems the vehicle is having**);
- receiving input information regarding the potential service of the vehicle (**Page 16 – 17; wherein a website is provided to allow a user to input information regarding the potential service of the vehicle**) wherein
 - i. IF the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (**Page 16 – 17; wherein a website is provided to allow a user to input vehicle symptoms pertinent to the service request**) OR

- ii. **IF the service inquiry is the scheduled maintenance request OR the recall request, the input information includes a vehicle identification number OR the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle (**Page 16 – 17; wherein a website is provided to allow a user to input vehicle information, such as make, model, year.** Moreover, while the Examiner asserts that the Examiner has met the claim limitations one of ordinary skill in the art would have found it obvious that other information that may be pertinent to the servicing of the vehicle could/would be provided, such as the vehicle identification number (VIN). Although Wink does not explicitly disclose a field to input the VIN, one of ordinary skill in the art would have recognized the importance to further include the VIN as part of the inputted information since it is extremely old and well known that the VIN allows a service provider to determine important information associated with the specific vehicle, such as, but not limited to, recalls, vehicle specifications, owner, and etc.); and**
- transmitting, from a DMS or vehicle service provider computer, the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment (**Page 16 – 17 wherein a website is provided to allow a user to transmit inputted information and appointment request to a vehicle service provider).**

- receiving an appointment request relating to one of the plurality of open appointments (**Page 16 – 17 wherein it is obvious that the appointment request is received in order to allow the service provider to confirm the appointment);**
- storing the vehicle service appointment in a memory associated with the DMS or in a vehicle service provider database (**wherein the requested service appointment is transmitted over the Internet and obviously stored on the service provider's database until a response is sent back to the user; Also, in view of the combination discussed below, Last also discloses that the selected time slots are stored within the service providers database by using the LMTT tee time reservation system.**).

Wink discloses a method and system of scheduling an appointment with a vehicle service provider (**Page 16 – 17**) as well as providing hours of availability (**Page 32**), but fails to explicitly disclose:

- transmitting a plurality of **open/available appointments/reservation times**, wherein each of the plurality of open appointments is comprised of a pre-selected date and time based on available appointment dates and times for a vehicle service provider;
- displaying a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled;

However, **Last** teaches transmitting a plurality of available time slots for a user to schedule a reservation/appointment, wherein the available times comprise dates and times for the appointments/reservations (**Figure 2 – 3; Page 3 ¶ 31; at least Claim 7**). **Last** additionally discloses that a user is allowed to select specific dates or range of dates which have associated availability time slots (**Figure 2**). Further, upon selection of a specific date the users is allowed to view the specific availability slots for the specific date or range of dates (**Figure 2**).

Although, **Last** is directed towards the scheduling of tee times and not towards the scheduling of vehicle services it is asserted that one of ordinary skill in the art would have recognized that both share the key element of facilitating scheduling for a particular service by showing available times slots. That is to say, one of ordinary skill in the art would have recognized that alternate methods for facilitating scheduling are well known in the art of scheduling.

As a result, one of ordinary skill in the art would have recognized that an alternate method of scheduling includes the method of initially providing open time slots that have yet to be reserved instead of having the service provider to call and confirm whether the slot has been reserved. Providing such a feature to a user allows for the service provider to focus on other tasks at hand and have one less issue to worry about. Moreover, providing an automated system as taught by **Last** allows for the elimination of human error on the service provider's side.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of **Wink** in view of the teachings of **Last**.

since each individual element and its function are shown in the prior art, albeit shown in separate references, the differences between the claimed invention and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of an automated scheduling system that provides open time slots, as taught by **Last**, for the manual scheduling system, as taught by **Wink**.

Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Further still, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to automate the scheduling process, since it has been held that broadly providing a mechanical or automatic means to replace a manual activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, 120 USPQ 192.

In addition, the Examiner takes **Official Notice** that it is old and well known to provide open/available appointments/reservations to customers as evidenced by the provided references disclosed in the 892 Form - Notice of References Cited (**Voorhees 2004/0039626 A1 at least Figure 6; Rapp et al. 20020116232 A1 at least Figure 12; Whyel 2001/0027481 A1 at least ¶ 12, 14; Rose et al. 7,069,228 B1 at least Figure 10; O'Connor et al. 2001/0011225 A1 at least Figure 2; Last 7,249,041 B2 at least Figure 2B; Glazer et al. 2002/0032588 A1 at least Figure 2**). The Examiner asserts that one of ordinary skill in the art would have recognized that when providing a service that requires a specific date and time for a customer to come in it is necessary to first provide the customer with the available dates and times. In other words, it is old and

well known to provide a customer with a plurality of availability options and to have the customer select one of the options in order to reserve the selected time slot and guarantee the service to them.

Finally, although patentable weight was given regarding the type of request that is being selected, i.e. “service” request and what the field of endeavor is directed towards the Examiner asserts them to be nothing more than non-functional descriptive subject matter. One of ordinary skill in the art would have recognized that what one may call the request, i.e. service, scheduled maintenance, or recall, does not affect how the steps of the method are carried out as set forth in the claims. In other words, regardless of the type of request one of ordinary skill in the art would have found it obvious that the steps required to schedule an appointment would be unaffected. The type of request or the name that you give the request adds little, if anything, to the steps of the method, and, thus, does not serve as a limitation on the claims to distinguish over the prior art. As claimed, the steps of the invention, i.e. receiving, inputting, and transmitting information for the purpose of scheduling an appointment, would be the same.

As a further note, the Examiner notes that many of the limitations of the claims are conditional, e.g. if the service inquiry is a service request or if the service inquiry is a scheduled maintenance, and etc., and are not being positively claimed. The claimed invention is directed towards potential services, i.e. services that may or may not be provided at some point later in time. The limitations are based on conditions that a user

may or may not select and are claimed in a manner that one of ordinary skill in the art would recognize as not being performed, i.e. not being positively recited.

4. In regards to **claim 2, the combination of Wink and Last** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string (**Wink Page 16 – 17; wherein a website is provide to allow a user to input a vehicle symptom string**).

5. In regards to **claim 6, the combination of Wink and Last** discloses wherein the service inquiry is selected by the customer (**Wink Page 16 – 17 wherein one of ordinary skill in the art would have found it obvious that the comment box allows the user to determine the desired service inquiry, such as, but not limited to, a simple oil change, tire rotations, engine trouble, and etc.**).

6. In regards to **claim 7, the combination of Wink and Last** discloses receiving available appointment dates and arrival times from the vehicle service provider (**Wink Page 16 – 17, 32 wherein a website is provided to allow a user to receive available appointment dates (Monday - Friday) and hours of availability; Last Figure 2 – 3; Page 3 ¶ 31; at least Claim 7 wherein a user is provided with available appointment dates and times from a service provider**).

7. In regards to **claim 8, the combination of Wink and Last** discloses wherein the service inquiry is the vehicle maintenance request and further comprising retrieving a vehicle maintenance schedule for the vehicle based on the input information (**Wink Page 16 – 17 wherein one of ordinary skill in the art would have found it obvious**

that the service appointment includes a vehicle maintenance request, such as, but not limited to, an oil change, tire rotation, and etc.).

8. In regards to **claim 10, the combination of Wink and Last discloses** transmitting to the customer the input information to the customer prior to transmitting the input information and the appointment request (**Page 16 – 17 wherein the input information regarding, at least, the make/model and year is transmitted to the customer prior to transmitting the appointment request**).

9. In regards to **claims 11 – 13, Wink discloses an online vehicle service method comprising: receiving a service inquiry wherein the service inquiry is selected from the group comprising (Page 16 – 17; wherein a website allowing for the scheduling of vehicle services is provided):**

- a service request, a scheduled maintenance request, a recall request, and a vehicle status request (**Page 16 – 17, 32; wherein a website allowing for the scheduling of vehicle servicing is provided and allows for the user to describe the problems the vehicle is having**);
- receiving input information regarding the potential service of the vehicle (**Page 16 – 17; wherein a website is provided to allow a user to input information regarding the potential service of the vehicle**) wherein
 - i. **IF the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (Page 16 – 17; wherein a website is provided to allow a user to input vehicle symptoms pertinent to the service request) OR**

- ii. **I**f the service inquiry is the scheduled maintenance request **OR** the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle (**Page 16 – 17; wherein a website is provided to allow a user to input vehicle information, such as make, model, year.** Moreover, while the Examiner asserts that the Examiner has met the claim limitations one of ordinary skill in the art would have found it obvious that other information that may be pertinent to the servicing of the vehicle would be provided, such as the vehicle identification number (VIN). Although Wink does not explicitly disclose a field to input the VIN, one of ordinary skill in the art would have recognized the importance to further include the VIN as part of the inputted information since it is extremely old and well known that the VIN allows a service provider to determine important information associated with the specific vehicle, such as, but not limited to, recalls, vehicle specifications, owner, and etc.)
- transmitting, from a DMS or vehicle service provider computer, the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment (**Page 16 – 17 wherein a website is provided to allow a user to transmit inputted information and appointment request to a vehicle service provider).**

- receiving an appointment request relating to one of the plurality of open appointments (**Page 16 – 17 wherein it is obvious that the appointment request is received in order to allow the service provider to confirm the appointment).**
- storing the vehicle service appointment in a memory associated with the DMS or in a vehicle service provider database (**wherein the requested service appointment is transmitted over the Internet and obviously stored on the service provider's database until a response is sent back to the user; Also, in view of the combination discussed below, Last also discloses that the selected time slots are stored within the service providers database by using the LMTT tee time reservation system.**).

However, **Wink** does not explicitly disclose providing the status information of a vehicle and providing the information. Namely, **Wink** does not explicitly disclose.

- iii. **IF** the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status wherein the input information is used to determine the vehicle status;
receiving vehicle status information from the vehicle service provider; and transmitting to the customer the vehicle status information.

However, it is old and well known in the art for customers to input information into an online service provider to know that status of their service. For example, finding the status of a package being sent through them through UPS, FedEx, and etc. is only a

matter of having the customer go online and inputting the information at either the above mentioned carriers or at the service providers website, such as Amazon.com. It is old and well known for customers to call a mechanic in order to know the status of their vehicle by providing their name or the vehicle type. One skilled in the art would have found it obvious to carry over this same type of service to the online system provided by **Wink**, especially since **Wink** discloses that the customer's contact information is being provided. It would be poor business practice for a mechanic to provide an online system and providing fewer services than those that are provided in person or over the phone since it would cause customers to not use the online service.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide a vehicle status option as is already known in the art into the system of **Wink** in order for a vehicle maintenance service provider to continue providing the same quality of service that is provided over the phone or in person and allowing a customer to know the status of their vehicle in order to determine whether alternate traveling measures should be considered or to be aware of their vehicles situation.

Wink discloses a method and system of scheduling an appointment with a vehicle service provider (**Page 16 – 17**) as well as providing hours of availability (**Page 32**), but fails to explicitly disclose:

- transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

- displaying a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled;

However, **Last** discloses that it is old and well known to provide an alternate method of scheduling (**Figure 2 – 3; Page 3 ¶ 31; at least Claim 7**). **Last** additionally discloses that a user is allowed to select specific dates or range of dates which have associated availability time slots (**Figure 2**). Further, upon selection of a specific date the users is allowed to view the specific availability slots for the specific date or range of dates (**Figure 2**).

Although, **Last** is directed towards the scheduling of tee times and not towards the scheduling of vehicle services it is asserted that one of ordinary skill in the art would have recognized that both share the key element of facilitating scheduling of a particular service. That is to say, one of ordinary skill in the art would have recognized that alternate methods for facilitating scheduling are well known in the art of scheduling.

As a result, one of ordinary skill in the art would have recognized that an alternate method of scheduling includes the method of initially providing open time slots that have yet to be reserved instead of having the service provider to call and confirm whether the slot has been reserved. Providing such a feature to a user allows for the service provider to focus on other tasks at hand and have one less issue to worry about. Moreover, providing an automated system as taught by **Last** allows for the elimination of human error on the service provider's side.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of **Wink** in view of the teachings of **Last** since each individual element and its function are shown in the prior art, albeit shown in separate references, the differences between the claimed invention and the prior art rests not on any individual element or function but in the very combination itself—that is in the substitution of an automated scheduling system that provides open time slots, as taught by **Last**, for the manual scheduling system, as taught by **Wink**.

Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Further still, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to automate the scheduling process, since it has been held that broadly providing a mechanical or automatic means to replace a manual activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, 120 USPQ 192.

In addition, the Examiner takes **Official Notice** that it is old and well known to provide open/available appointments/reservations to customers as evidenced by the provided references disclosed in the 892 Form - Notice of References Cited (**Voorhees 2004/0039626 A1 at least Figure 6; Rapp et al. 20020116232 A1 at least Figure 12; Whyel 2001/0027481 A1 at least ¶ 12, 14; Rose et al. 7,069,228 B1 at least Figure 10; O'Connor et al. 2001/0011225 A1 at least Figure 2; Last 7,249,041 B2 at least Figure 2B; Glazer et al. 2002/0032588 A1 at least Figure 2**). The Examiner asserts that one of ordinary skill in the art would have recognized that when providing a service

that requires a specific date and time for a customer to come in it is necessary to first provide the customer with the available dates and times. In other words, it is old and well known to provide a customer with a plurality of availability options and to have the customer select one of the options in order to reserve the selected time slot and guarantee the service to them.

Finally, although patentable weight was given regarding the type of request that is being selected, i.e. “service” request and what the field of endeavor is directed towards the Examiner asserts them to be nothing more than non-functional descriptive subject matter. One of ordinary skill in the art would have recognized that what one may call the request, i.e. service, scheduled maintenance, status, or recall, does not affect how the steps of the method are carried out as set forth in the claims. In other words, regardless of the type of request one of ordinary skill in the art would have found it obvious that the steps required to schedule an appointment would be unaffected. The type of request or the name that you give the request adds little, if anything, to the steps of the method, and, thus, does not serve as a limitation on the claims to distinguish over the prior art. As claimed, the steps of the invention, i.e. receiving, inputting, and transmitting information for the purpose of scheduling an appointment, would be the same.

As a further note, the Examiner notes that many of the limitations of the claims are conditional, e.g. if the service inquiry is a service request or if the service inquiry is a scheduled maintenance, and etc., and are not being positively claimed. The claimed invention is directed towards potential services, i.e. services that may or may not be

provided as some point later in time. The limitations are based on conditions that a user may or may not select and are claimed in a manner that one of ordinary skill in the art would recognize as not being performed, i.e. not being positively recited.

10. In regards to **claim 14**, **Wink** discloses an online system for advising a customer on service needs and facilitating the scheduling of a vehicle service appointment, the system comprising (**Page 16 – 17; wherein a website allowing for the scheduling of vehicle services is provided**)

- at least one server computer operably serving at least one client computer, the at least one server computer configured to:
 - (i) receive a service inquiry wherein the service inquiry is selected from the group comprising: a service request, a scheduled maintenance request, and a recall request (**Page 16 – 17, 32; wherein a website allowing for the scheduling of vehicle servicing is provided and allows for the user to describe the problems the vehicle is having**);
 - (ii) receive input information regarding the potential service of the vehicle (**Page 16 – 17; wherein a website is provided to allow a user to input information regarding the potential service of the vehicle**)
- wherein
- (a) **IF** the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (**Page 16 – 17; wherein a**

website is provided to allow a user to input vehicle symptoms pertinent to the service request) OR

(b) **IF the service inquiry is the scheduled maintenance request OR the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle (Page 16 – 17; wherein a website is provided to allow a user to input vehicle information, such as make, model, year. Moreover, while the Examiner asserts that the Examiner has met the claim limitations one of ordinary skill in the art would have found it obvious that other information that may be pertinent to the servicing of the vehicle would be provided, such as the vehicle identification number (VIN). Although Wink does not explicitly disclose a field to input the VIN, one of ordinary skill in the art would have recognized the importance to further include the VIN as part of the inputted information since it is extremely old and well known that the VIN allows a service provider to determine important information associated with the**

**specific vehicle, such as, but not limited to, recalls,
vehicle specifications, owner, and etc.); and**

- (v) receive an appointment request relating to one of the plurality of open appointments (**Page 16 – 17 wherein it is obvious that the appointment request is received in order to allow the service provider to confirm the appointment).**
- (vi) transmit the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment (**Page 16 – 17 wherein a website is provided to allow a user to transmit inputted information and appointment request to a vehicle service provider)**:

Wink discloses a method and system of scheduling an appointment with a vehicle service provider (**Page 16 – 17**) as well as providing hours of availability (**Page 32**), but fails to explicitly disclose:

- (iii) transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;
- (iv) display a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times in which an appointment can still be scheduled;

However, **Last** discloses that it is old and well known to provide an alternate method of scheduling (**Figure 2 – 3; Page 3 ¶ 31; at least Claim 7**). **Last** additionally discloses that a user is allowed to select specific dates or range of dates which have associated availability time slots (**Figure 2**). Further, upon selection of a specific date the users is allowed to view the specific availability slots for the specific date or range of dates (**Figure 2**).

Although, **Last** is directed towards the scheduling of tee times and not towards the scheduling of vehicle services it is asserted that one of ordinary skill in the art would have recognized that both share the key element of facilitating scheduling of a particular service. That is to say, one of ordinary skill in the art would have recognized that alternate methods for facilitating scheduling are well known in the art of scheduling.

As a result, one of ordinary skill in the art would have recognized that an alternate method of scheduling includes the method of initially providing open time slots that have yet to be reserved instead of having the service provider to call and confirm whether the slot has been reserved. Providing such a feature to a user allows for the service provider to focus on other tasks at hand and have one less issue to worry about. Moreover, providing an automated system as taught by **Last** allows for the elimination of human error on the service provider's side.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of **Wink** in view of the teachings of **Last** since each individual element and its function are shown in the prior art, albeit shown in separate references, the differences between the claimed invention and the prior art

rests not on any individual element or function but in the very combination itself—that is in the substitution of an automated scheduling system that provides open time slots, as taught by **Last**, for the manual scheduling system, as taught by **Wink**.

Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Further still, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to automate the scheduling process, since it has been held that broadly providing a mechanical or automatic means to replace a manual activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, 120 USPQ 192.

In addition, the Examiner takes **Official Notice** that it is old and well known to provide open/available appointments/reservations to customers as evidenced by the provided references disclosed in the 892 Form - Notice of References Cited (**Voorhees 2004/0039626 A1 at least Figure 6; Rapp et al. 20020116232 A1 at least Figure 12; Whyel 2001/0027481 A1 at least ¶ 12, 14; Rose et al. 7,069,228 B1 at least Figure 10; O'Connor et al. 2001/0011225 A1 at least Figure 2; Last 7,249,041 B2 at least Figure 2B; Glazer et al. 2002/0032588 A1 at least Figure 2**). The Examiner asserts that one of ordinary skill in the art would have recognized that when providing a service that requires a specific date and time for a customer to come in it is necessary to first provide the customer with the available dates and times. In other words, it is old and well known to provide a customer with a plurality of availability options and to have the

customer select one of the options in order to reserve the selected time slot and guarantee the service to them.

Finally, although patentable weight was given regarding the type of request that is being selected, i.e. “service” request and what the field of endeavor is directed towards the Examiner asserts them to be nothing more than non-functional descriptive subject matter. One of ordinary skill in the art would have recognized that what one may call the request, i.e. service, scheduled maintenance, or recall, does not affect how the steps of the method are carried out as set forth in the claims. In other words, regardless of the type of request one of ordinary skill in the art would have found it obvious that the steps required to schedule an appointment would be unaffected. The type of request or the name that you give the request adds little, if anything, to the steps of the method, and, thus, does not serve as a limitation on the claims to distinguish over the prior art. As claimed, the steps of the invention, i.e. receiving, inputting, and transmitting information for the purpose of scheduling an appointment, would be the same.

As a further note, the Examiner notes that many of the limitations of the claims are conditional, e.g. if the service inquiry is a service request or if the service inquiry is a scheduled maintenance, and etc., and are not being positively claimed. The claimed invention is directed towards potential services, i.e. services that may or may not be provided as some point later in time. The limitations are based on conditions that a user may or may not select and are claimed in a manner that one of ordinary skill in the art would recognize as not being performed, i.e. not being positively recited.

11. In regards to **claim 15, the combination of Wink and Last** discloses wherein the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider (**Wink Page 16 – 17, 32 wherein a website is provided to allow a user to receive available appointment dates (Monday - Friday) and hours of availability; Last Figure 2 – 3; Page 3 ¶ 31; at least Claim 7 wherein a user is provided with available appointment dates and times from a service provider).**

12. In regards to **claim 18, the combination of Wink and Last** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string (**Wink Page 16 – 17; wherein a website is provide to allow a user to input a vehicle symptom string).**

13. **Claims 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bill Wink Chevrolet**
(<http://web.archive.org/web/20010408092103/billwinkchevy.com/index.htm>)
[hereinafter referred to as Wink] in view of **Last** (US PGPub 2001/0037225 A1) in further view of **Jim Mateja (Monroney Label a Window of Opportunity for Sellers)**.

14. In regards to **claim 9**, as discussed above, it would have been obvious to include the act of inputting a VIN into the system as a means of acquiring additional information about a particular vehicle.

However, **Wink** fails to explicitly disclose:

wherein the service inquiry is the recall request and further comprising determining whether a recall exists for the customer's vehicle based on the input information.

Mateja, however, discloses that it is old and well known in the art to provide a VIN into a dealer's computer to determine whether a recall exists for a vehicle. As a result, it would have been obvious to look upon **Mateja** as a teaching for **the combination of Wink and Last** to provide recall information to a dealer when a VIN is inputted into the system of **the combination of Wink and Last** so that a full list of recommended services can be provided to a user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Wink and Last** in view of the teachings of **Mateja** to input a VIN into the dealer management system in order to provide a customer with a thorough report of recommended services.

15. **Claims 3 – 5, 16 – 17, and 19 – 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bill Wink Chevrolet**

(<http://web.archive.org/web/20010408092103/billwinkchevy.com/index.htm>)

[hereinafter referred to as **Wink**] in view of **Last** (US PGPub 2001/0037225 A1) in further view of **Blasingame et al.** (US 2002/0022975 A1).

16. In regard to **claims 3 and 19, the combination of Wink and Last** are discussed above, but fails to disclose:

determining an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer.

However, **Blasingame** discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical “key” questions regarding to the patient’s condition (**Page 1 ¶ 10; Page 5 ¶ 88**). In other words, **Blasingame** discloses a system and method wherein initial symptom information regarding a user is acquired and based on that information at least two symptom probing questions are provided and the answers to those questions are provided by the customer. Although the **Blasingame** is in regard to medical diagnosis, the Examiner asserts that one of ordinary skill in the art would have recognized that both, **the combination of Wink and Last and Blasingame**, are directed towards the concept of inputting information into a system to determine a final solution to a problem based on questions that the user is required to answer, which is further based on a symptom string provided by a user. One of ordinary skill in the art would have recognized the importance of implementing a decision tree structure, as taught by **Blasingame**, into the system and method of **the combination of Wink and Last** as a means of searching and identifying the problem at

hand in regards to the vehicle and ensuring that the mechanic/dealership is capable of solving the issue.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Wink and Last** in view of the teachings of **Blasingame** to include a symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs.

17. In regard to **claims 4 and 20, the combination of Wink/Last/Blasingame/** is discussed above and further discloses the transmission of information to the customer (**Wink Page 16 – 17; Blasingame Page 1 ¶ 10; Page 5 ¶ 88; wherein questions regarding the situation of the user is transmitted to the user**).

18. In regards to **claim 5, the combination of Wink/Last/Blasingame** would transmit to the vehicle service provider the answers to the at least two symptom probing questions, as is discussed above (**see also Wink Page 16 – 17; Blasingame Page 1 ¶ 10; Page 5 ¶ 88; wherein the answers to the question are obviously being transmitted to the service provider**).

19. In regards to **claims 16 and 17, the combination of Wink/Last/Blasingame/** discloses the use of XML is old and well known to transport information (**see at least Blasingame Page 3 ¶ 72**).

(10) Response to Argument

Claims 1, 11, and 14

20. The appellant argues:

"Claims 1, 11, and 14 are patentable under 35 U.S.C. §103(a) over Wink in view of Last for at least the reason that Last expressly teaches against the claimed combination"

The appellant specifically argues:

"For example, independent claims 1, 11, and 14 recite, *inter alia*, 'instructing displaying a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled.'

Neither Wink, Last, or the combination of Wink and Last teach or suggest this element.

...
Although the Examiner takes official notice that display of available times is old and well known, Applicant points out that Last **expressly** teaches against this notion, and thus is inappropriate for combination with Examiner's official notice.

...
In Last, a user may be presented with a handful of times for a golf course on a given day ([0034]), but Last *expressly teaches against display of all the available appointment times*. [0034] According to Last, 'The intent is not to display the entire tee, but instead a subset of the available tee times in a convenient fashion that does not require the golfer to undertake an elaborate database query to 'zone in' on a desired tee time.' This portion of Last is expressly teachings against the claim limitations."

However, the Examiner respectfully disagrees.

The Examiner asserts that the applicant's citation of ¶ 34 of Last does not disclose, "The intent is not to display the entire tee but instead a subset of the available tee times in a convenient fashion that does not require the golfer to undertake an elaborate database query to "zone in" on a desired tee time." The Examiner asserts that this statement is found in ¶ 35. The Examiner asserts that ¶ 34 and ¶ 35 of Last are providing alternate embodiments in which the invention can be carried out and one of ordinary skill in the art reading the full reference of Last would have understood that

Last does, indeed, disclose all available times for a particular date and that the subset that Last is referring to is a subset of dates/weeks as a means of providing the user with chunks of information at a time as oppose to inundating the user with information. In other words, **Last** discloses that a user is presented with the ability to select from a plurality of dates (weeks Starting Monday), which are associated with available times, and, upon selection of the week, the user is further presented with all the available times on that specific date in which the appointment can still be scheduled (**See 31 wherein Figure 2 discloses all available dates for each particular day of the week and wherein the subset is the particular week that the user is searching through and is further broken down into seven columns to represent a separate day of the week).**

In addition to **Last** disclosing that it is old and well known to provide an online scheduling system, the Examiner provided an **Official Notice** statement indicating that it is old and well known in the art to provide open/available appointments/reservation to customers, as evidenced by the provided references disclosed in the 892 Form - Notice of References Cited, mailed on **September 22, 2009, (Voorhees 2004/0039626 A1 at least Figure 6; Rapp et al. 20020116232 A1 at least Figure 12; Whyel 2001/0027481 A1 at least ¶ 12, 14; Rose et al. 7,069,228 B1 at least Figure 10; O'Connor et al. 2001/0011225 A1 at least Figure 2; Last 7,249,041 B2 at least Figure 2B; Glazer et al. 2002/0032588 A1 at least Figure 2)**. The Examiner asserts that one of ordinary skill in the art would have recognized that when providing a service that requires a specific date and time for a customer to come in it is necessary to first provide the customer with

the available dates and times. In other words, it is old and well known to provide a customer with a plurality of availability options and to have the customer select one of the options in order to reserve the selected time slot and guarantee the service to them.

Claims 2 – 10, 12 – 13, 15 – 20

21. All rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the Examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and patentable over **Bill Wink Chevrolet** in view of **Last**, and, where appropriate, in further view of **Official Notice**.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Gerardo Araque Jr./

Examiner, Art Unit 3689

12/11/2010

Conferees:

/Janice A. Mooneyham/

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Application/Control Number: 10/064,962
Art Unit: 3689

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